

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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FIRSTSERVICE RESIDENTIAL,
NEVADA, LLC, a Nevada limited
liability company,

Case No. 2:17-cv-02921-RFB-VCF

ORDER

Plaintiff,

V.

THOMAS CAGGIANO

Defendant

Before the Court is Plaintiff's Motion to Remand (ECF No. 2). For the reasons stated below, the Motion is GRANTED. It must first be noted that the Defendant has not responded to the Motion to Remand and pursuant to the Local Rules of the District, such a failure constitutes consent to the granting of the motion. Local Rule 7-2.

The Court finds that Defendant has not identified a clear basis for federal jurisdiction in this case. Defendant has not asserted a claim establishing federal question jurisdiction. As this Court's jurisdiction is not clearly established the Motion must be granted. Shamrock Oil & Gas Corp. v. Sheets, 313 U.S. 100, 108-109 (1941)(noting that removal statute to be strictly construed); Gaus v. Miles, Inc., 980 F.2d 564, 566 (9th Cir. 1992)(noting that ambiguity as to removal should be construed against removal).

1 Accordingly, for the reasons stated,

2 **IT IS HEREBY ORDERED** that the Plaintiff's Motion to Remand is GRANTED.

3 This case is REMANDED to the Las Vegas Justice Court of Clark County, Case No. 17PO1335.

4 The Clerk of Court is ordered to close this case.

5 DATED: June 12, 2018.



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8 RICHARD F. BOULWARE, II
9 UNITED STATES DISTRICT JUDGE
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